AK

	Application No.	Applicant(s)	<u> </u>
Notice of Allowability	10/046 416	TELKAMP ET AL.	
	10/046,416 Examiner	Art Unit	
	Over - II. Dele	2974	
	Sung H. Pak	2874	
The MAILING DATE of this communication appeal All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate comming GHTS. This application is	n this application. If not included unication will be mailed in due co	ourse. THIS
1. This communication is responsive to <u>5/26/2005</u> .		•	
2. A The allowed claim(s) is/are 1,2,4-42,44-69,71-73,75-78,83	.84 and 86 <u>-109</u> .		
3. A The drawings filed on 20 January 2004 are accepted by the	e Examiner.		
4. ☐ Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the:		or (f).	
 Certified copies of the priority documents have Certified copies of the priority documents have 		on No	
3. ☐ Copies of the certified copies of the priority do			n from the
International Bureau (PCT Rule 17.2(a)).	cuments have been receive	a III III salatoriai stage applicatio	
* Certified copies not received:		•	
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to fil IENT of this application.	e a reply complying with the requ	irements
5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give			TICE OF
6. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.		
(a) ☐ including changes required by the Notice of Draftspers	on's Patent Drawing Revie	w (PTO-948) attached	
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	s Amendment / Comment o	or in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t			ack) of
7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	SIT OF BIOLOGICAL MAT FOR THE DEPOSIT OF BI	ERIAL must be submitted. No OLOGICAL MATERIAL.	te the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. ☐ Notice of I	nformal Patent Application (PTO-	152)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview S	Summary (PTO-413),	-
3. Information Disclosure Statements (PTO-1449 or PTO/SB/0	Paper No 98), 7. ⊠ Examiner's	./Mail Date s Amendment/Comment	
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8 □ Examiner's	s Statement of Reasons for Allow	ance
of Biological Material	9. Other		
		Suny Pak Putent Examine Au 2874	
		Pulant Examine	-
•		AU 2874	

Application/Control Number: 10/046,416

Art Unit: 2874

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Cancel claims 79-82.

This application is in condition for allowance except for the presence of claims 79-82 to an invention non-elected without traverse. Accordingly, claims 79-82 have been cancelled.

Allowable Subject Matter

Claims 1-2, 4-42, 44-69, 71-73, 75-78, 83-84, 86-109 allowed.

The following is an examiner's statement of reasons for allowance:

As discussed in the previous office action, an optical switch device and a method of fabricating an optical switch device comprising two movable platforms and a stationary platform created on a substrate having at least two waveguide structures disposed on said platforms are known in the art. Labeye et al (US 5,612,815) explicitly teaches such switching device.

However, none of the prior art fairly teaches or suggests an optical switch device wherein the device comprises first and second semiconductor movable platforms that are arc-shaped having switchable waveguiding paths disposed therein, as described and claimed in the instant application.

Application/Control Number: 10/046,416

Art Unit: 2874

The closest art (although it's not a 'prior' art due to it's effective filing date) that *may* be construed as having arc-shape platform is Hsu et al (US 6,836,583 B2). Hsu patent is assigned to the same assignee as the present application, and shares at least common inventors as the present application. In figures 1-3, Hsu discloses a single movable platform that is *warped* along it's horizontal plane due to thermal effects (see also abstract). This may be construed as a platform that is arc-shaped, however this is an *incidental* characteristics of the switching device, and there would be no motivation for one of ordinary skill in the art at the time the invention was made to modify the claimed invention of the present application to have warped platforms as disclosed by Hsu.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/046,416 Page 4

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sung H. Pak Patent Examiner

Art Unit 2874